Endangered Species Act Biological Evaluation Form
Deepwater Horizon Oil Spill Restoration
Fish and Wildlife Service & National Marine Fisheries Service

This form will be used to provide information for the initiation of informal Section 7 consultations under the Endangered Species Act, if required, or to document a No Effect determination. In addition, information provided in this form may be used to inform other regulatory compliance processes such as Essential Fish Habitat (EFH), Marine Mammal Protection Act (MMPA), Section 106 of the National Historic Preservation Act (NHPA), Migratory Bird Treaty Act (MBTA), and Bald and Golden Eagle Protection Act (BGEPA). Further information may be required beyond what is captured in this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

Lead Agency

U.S. Fish and Wildlife Service/National Marine Fisheries Service

Agency Contact Person	*Phone*	*Email*
Ashley Mills and Laurel Jennings	812-756-2712 and 206-526-4601	Ashley_Mills@fws.gov and Laurel.Jennings@noaa.gov

I. *Applicant Agency or Business Name*

Florida Department of Environmental Protection

II. *Applicant Contact Person*	III. *Phone*	*Email*
Gareth Leonard	(850) 245-2222	Gareth.Leonard@dep.state.fl.us

IV. *Project Name and ID# (Official name of project and ID number assigned by action agency)*

Florida Coastal Access Project - Innerarity Point Park

V. *Project Type #1*	*Project Type #2, if helpful*
Land Acquisition and Management	General Construction/Building

VI. *NMFS Office (Choose appropriate office based on project location)*

NMFS Southeast Regional Office

VII. *FWS Office (Choose appropriate office based on project location)*

Panama City Ecological Services Field Office (Panama City)

B. Project Location

I. Physical Address of action area (If applicable)

Innerarity Point Holdings Property, 5806 Bob O Link Road, Pensacola, Florida.

II. *State & County/Parish of action area*

Escambia County

III. *Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])*

30.314315°N, 87.443024°W WGS84

IV. Township, range and section of the action area

Township 3S, Range 15, Section 32W

C. Description of Action Area

1. Attach a separate map delineating where the action will occur. 2. Describe ALL areas that may be affected directly or indirectly by the action and not merely the immediate action area involved in the action, or just where species or critical habitat may be present. Provide a description of the existing environmental conditions and characteristics (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). 3. If habitat for species is present in the action area, provide a general description of the current state of the habitat. 4. Identify any management or other activities already occurring in the area. 5. Provide or attach a detailed map of the area of potential effect for ground disturbing activities if the area is different from the action area.

1. This project site action area is identified in Attachment A, Figures 1, 2.

2. The proposed Innerarity Point Park is located within Escambia County along Perdido Bay. The total site area is 3.38 acres. The proposed project does involve in-water work and would involve activities along the 265 linear feet of frontage along the Old River, a heavily used waterway which flows between Innerarity Point and Perdido Key out to Perdido Bay (see Attachment A: Figures 1-3).

An unoccupied single family house (constructed in 2004) and gravel driveway occupies the northern portion of the property (Attachment A, Figure 2). A second residential structure previously existed at the southern portion of the property overlooking the Old River waterway. Although the second residential structure no longer exists, the concrete foundation remains. The remainder of the property is unimproved and consists of lawn area with mature live oaks, and coastal vegetation along the shoreline (Attachment A: Figures 2, 4-9). As shown, much of the shoreline as well as inland vegetation is currently being maintained by mowing. There are no wetlands on-site. There may be seagrasses in the water at this site, but aerial imagery appears to show a decline off this site from 2012 to 2015 (Attachment A: Figures 2, 3).

The proposed Innerarity Point Park site is a predominantly flat parcel with coastal bay frontage along Old River in Escambia County. Soil in the area has been classified by the Department of Agriculture Natural Resources Conservation Service (USDA NRCS) as predominantly Resota sand. This soil type is composed primarily of sand, is flat with slight slopes, moderately well drained, and classified as having negligible runoff. Lower Perdido Bay substrate is characterized mostly by sand, soft sediments, and organics with some clay and silt. The substrates present along the shorelines comprise stable slopes containing fine sand and beach sediment, while substrates in the submerged off-shore portions include soft sediments. The proposed Innerarity Point Park site is located within the Perdido Bay watershed. The Perdido Bay watershed is 1,140 square miles, 31 percent of which is in Florida. The average depth in Perdido Bay is 2 meters. The Perdido River is the major source of freshwater to the bay. Other major water features in Perdido Bay are Rocky Branch, Brush Creek, Eightmile Creek, Marcus Bayou, Elevenmile Creek, Alligator Creek, Buckeye Branch, Freeman Springs Branch, Lake Fan, Black Lake, Reeder Lake, Alligator Bayou, Wicker Lakes, Cow Devil Creek, Tee Lake, Crescent Lake, and Tankiln Bayou. This project site is located in FEMA designated Flood Zones according to the Flood Map Service. However, the site is located in Zone X, outside the 0.2 percent annual chance floodplain. Perdido Bay is relatively small in size, making it vulnerable to water quality impairments during rainfall events, winds, and tides. Stormwater run-off in the lower watershed and agriculture and silviculture in the upper watershed are particular contributors to water quality. The Perdido River is designated as an "Outstanding Florida Water" by the State of Florida. However, much of Perdido Bay has been listed on the 303(d) list of impaired waters due to high nutrients and low dissolved oxygen. Lower Perdido Bay is listed as a 303d list impaired waterbody for mercury in fish. Currently, the proposed Innerarity Point Park site is a private parcel that zoned as "Mixed-Use Suburban District (MU-S)," which permits a variety of commercial and residential uses. This zoning includes residential, professional offices, retail services, recreational facilities, and public or civic uses. The nearshore bottomlands are considered state-owned and are held in public trust.

3. While the action area may provide habitat for listed species, no listed species are known to occur in the action area, except possibly Gulf sturgeon and West Indian manatee. Potentially affected species are described in Sections E-J.

4. This property has been in private ownership for many years, and as part of this action, is proposed to be acquired through a partnership between the Florida Trustees and the Trust for Public Lands and then donated to Escambia County, FL. Regular site maintenance (mowing, etc) has been ongoing.

5. The area of potential effect is not expected to fall outside of the immediate site area. See Attachment A: Figures 1, 10.

a. *Waterbody*

(If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.)

Old River, Perdido Bay (marine/estuarine environment). The proposed Innerarity Point Park site is located within the Perdido Bay watershed. The Perdido Bay watershed is 1,140 square miles, 31 percent of which is in Florida. The average depth in Perdido Bay is 2 meters.

b. *Existing Structures*

(If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina.)). If known, please provide the years of construction.

This site was previously developed, dating back to at least the 1940s. There is currently an existing residence, 2,518 square feet footprint, built in 2004. All previous structures other than this one residence have been razed. Additionally, there is a concrete pad on southern part of site from a previous residence. There is a parking area on southwestern portion of site. There is evidence of the residential structures and docks at the site, from 1940 until the present. Over half of the site has been previously disturbed, and at present, sparse trees cover about two thirds of the property with very little understory.

c. *Seagrasses & Other Marine Vegetation*

(If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.)

This site has estuarine subtidal habitat. Based on available information, there is submerged aquatic vegetation (e.g. seagrasses) in the nearshore at this site (Attachment A: Figures 2, 3). However, the exact extent of the submerged aquatic vegetation will be confirmed as part of assessments prior to construction.

d. *Mangroves*

(If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.)

Not applicable

e. *Corals*

(If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.)

Not applicable.

f. *Uplands*

(If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The vegetation at the proposed Innerarity Point Park site has maritime oak habitat with some areas of scrub vegetation as well as non-native grasses. The site includes areas that are bare of vegetation, and areas that are regularly mowed, along with areas where vegetation has worn away from vehicle traffic (Attachment A: Figure 2). Little understory exists under most trees. This site has estuarine subtidal habitat. Based on available information, there is submerged aquatic vegetation (e.g. seagrasses) in the nearshore at this site. There appear to be no wetlands on site.

D. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Installation of the proposed site improvements is estimated to take 9-12 months. The specific schedule for construction has not been established, as the project is only at a conceptual design phase at this time (Attachment A: Figure 10).

II. *Describe the Proposed Action: 1. What is the purpose and need of the proposed action? 2. How do you plan to accomplish it? Describe in detail the construction equipment and methods** needed; permanent vs. temporary impacts; duration of temporary impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/ laydown areas.* ***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, or artificial reefs, list the method here, but complete the next section(s) in detail.***

The Florida Coastal Access Project: Innerarity Point Park will be performed in two stages: (1) the acquisition of the coastal parcel and (2) the final design and construction of the park infrastructure and amenities. The second stage is detailed in Attachment B.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *Overwater Structures (Place your answers to the following questions in the box below.)*

i. *Is the proposed use of this structure for a docking facility or an observation platform?*
ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*
iii. *Use of "Dock Construction Guidelines"? http://sero.nmfs.noaa.gov/pr/endangered%20species/Section%207/DockGuidelines.pdf*
iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*
v. *Height above Mean High Water (MHW) elevation?*
vi. *Directional orientation of main axis of dock?*
vii. *Overwater area (sqft)?*
viii. *Use of "Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006"? http://sero.nmfs.noaa.gov/pr/endangered%20species/Sea%20Turtle%20and%20Smalltooth%20Sawfish%20Construction%20Conditions%203-23-06.pdf*

i. This project includes construction of a dock with a kayak launch (design specifications are provided in Attachment B). New pilings will need to be installed for this dock. The proposed dock would be ADA compliant. This dock will not be used for motorized vessels. ii. Yes, this will be a public fishing pier (dock). Site visitation is expected to vary with fishing seasons. Parking at the site is limited to 50+ spaces. No fish cleaning stations are included in the plan. Any hook and line captures of listed species must be reported. iii. Yes, USACE and NMFS dock construction guidelines will be followed where possible regarding dock construction. iv. Type of decking will be either wooden planks or composite planks. v. Final design is not complete and will depend on negotiations and compliance with USACE and NMFS guidelines and ADA compliance requirements. vi. The main branch will be oriented approximately north to south with a perpendicular dock oriented approximately east to west. vii. Overwater area of the dock is proposed to be less than 3,000 sq ft (see Attachment B for

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

Currently, a final construction design and schedule have not been completed for the proposed action. Installation for dock pilings are dependent on substrate and feasibility and methods proposed are likely to be as least disruptive as possible. All dock/pier work will need installation of new pilings. Materials will be made from natural (i.e., wood) or composite materials. The area will be surveyed, likely via aerial imagery analysis, to determine the extent of SAV prior to construction of the dock. If SAV is identified in the potential shadow of the structure, design modifications will be made to avoid or minimize adverse effects.

c. *Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

Not applicable.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

Not applicable. Only paddlecraft access.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.)*

Not applicable.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft^2) to be dredged, volume of material (yd^3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods.*

In-water dredging or digging associated with installation of the pilings for the dock is not anticipated, though substrate displacement and compaction from dock piling installation is expected. Depth will be subject to final design, but there will be less than 35 square feet of substrate displaced in the marine environment (see Attachment B for design specifications).

Digging will occur in the terrestrial environment to auger holes for installation of support structures (where needed) for the elevated boardwalk. Digging will also occur if engineering designs determine that a stormwater pond is necessary to control runoff from the permeable parking area, this is estimated to be 350 cubic yards of excavation. There are bathrooms proposed on-site which would need connections to sewer; this is anticipated to be 250 linear feet of two inch trunk line. Additional ground disturbances and surficial digging will be associated with construction of a permeable parking lot for over 50 parking

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

Not applicable.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

Not applicable.

E. Species & Critical Habitat

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.
2. Attach a separate map identifying species/critical habitat locations within the action area.

For information on species and critical habitat under FWS jurisdiction, visit http://www.fws.gov/endangered/species/. Under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT (CH)	LOCATION (for sea turles and gulf sturgeon only)	STATUS	CH UNIT
Gulf sturgeon	Marine	Threatened	
West Indian manatee	Select One	Endangered	
Leatherback sea turtle	Marine	Endangered	
Green sea turtle	Marine	Endangered	
Hawksbill sea turtle	Marine	Endangered	
Loggerhead sea turtle	Marine	Threatened	
Kemp's ridley sea turtle	Marine	Endangered	
No critical habitat occurs in this area	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	

F. Effects of the Proposed Project

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

We anticipate that the acquisition of this parcel will be wholly beneficial. There may be beneficial and adverse effects to listed species from the recreational improvements, as described below.

Gulf sturgeon. The Gulf sturgeon inhabits coastal waters and freshwater river systems of the northern Gulf of Mexico. Gulf sturgeon are usually located in areas 2-4 meters deep with high sand substrate. There is no critical habitat for Gulf sturgeon at this site, but there is the potential for Gulf sturgeon to be in the waters during the time of construction. Potential impacts to the Gulf sturgeon include elevated noise levels and the presence of suspended sediments in the water column. This species is mobile and would likely exit the area during construction. As a result of construction activities conducted in the water and anticipated recreational uses after completion, this proposed project may have direct or indirect adverse effects on Gulf sturgeon. Adverse effects from construction will be avoided or minimized by using conservation measures and BMPs in Section G.

West Indian manatee. The West Indian manatee inhabits freshwater, brackish, and marine environments. It typically occurs in coastal and inland tidal rivers and streams, mangrove swamps, salt marshes, freshwater springs, canals, lagoons, and vegetated bottoms. It moves to warm-water sites, including industrial warm-water discharges, during the winter. The project location does not intersect with any identified critical habitat for the West Indian manatee. Marine mammals are affected by vibrations and noise resulting from construction activities (e.g., generators, pile drivers, etc.). This project includes in-water work for the construction of a dock with a kayak launch (e.g., driving or pushing pilings). Accordingly, as a result of construction related activities from dock work, this project may have direct and/or indirect short-term adverse effects on the West Indian manatee and other marine mammals. If manatees are present, they would probably avoid the construction area but if not, in-water construction work could cause a manatee to startle or be struck. Appropriate conservation measures as described in Section G will be undertaken to avoid or minimize adverse impacts to manatees associated with construction activities.

Sea turtles. There is in-water work (e.g., dock construction, piling installation) proposed for this site. The project location does not intersect with any identified sea turtle critical habitat in water or on land. However, the range of sea turtles suggests they could occur in the project area although the lack of suitable nesting habitat as well as the turtles' ability to avoid the general activity in the area may make them less likely to be affected by construction activities. As a result of construction related activities from dock construction and anticipated recreational uses of docks, this project may have direct or indirect adverse effects on sea turtles. However, the lack of suitable nesting and breeding habitat near the shoreline suggests that impacts are unlikely. Adverse effects from construction will be avoided or minimized by using conservation measures and BMPs in Section G.

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

There is no designated marine or terrestrial critical habitat in the action area for any species.

It is very unlikely that sea turtles will nest or rest within or adjacent to the project area due to a lack of suitable habitat. The closest suitable habitat for Loggerhead sea turtles is further than a mile away (Unit 38), located in the Gulf of Mexico and separated from the action area by Perdido Bay and a land body, Perdido Key.

G. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Gulf sturgeon. Impacts to the Gulf sturgeon will be reduced or alleviated by implementation of BMPs during ground disturbance activities that will reduce sediment and nutrient inputs to streams, minimize disturbance to riparian zone vegetation within 100 feet of the streambank in occupied habitat, and revegetate disturbed areas with native vegetation. Work will most likely take place during the spring and summer months when Gulf Sturgeon are not likely to be present in nearshore shallow waters. All work will take place in less than two meters of water and in areas of silty sand with seagrass. These species are known to avoid areas with high human activity when given the opportunity. If construction activity occurs when Gulf sturgeon are present, additional adverse impact reduction strategies could include the following:
• Control turbidity levels through the use of floating turbidity screens during in-water construction;
• Implement the Sea Turtle and Smalltooth Construction Conditions, Revised: March 23, 2006 and Measures for Reducing Entrapment Risk to Protected Species, Revised: May 22, 2012 as they are protective of Gulf sturgeon as well.

Sea turtles. Impacts to these species, if any, would be short-term and minor. If any sea turtles are found to be present in the immediate project area during restoration activities, construction would be halted until species moves away from project area. Sea turtle and Smalltooth Sawfish Construction Guidelines (2006) also include construction personnel education, use of "no wake/idle" speeds in proper locations, adhering to protection guidelines when a sea turtle is within 100 yards or activities, and reporting turtle injuries will be utilized to prevent and minimize impacts to sea turtles. Pending negotiations on final design, sea turtle conservation measures could include posting of educational signage detailing what to do if sea turtles or marine mammals are spotted in the vicinity, or what to do in the event that there is an incidental hooking. There is the possibility to enlist these docks in Florida's Responsible Pier Initiative Program (a program through the Loggerhead Marinelife Center that adds signage to fishing piers, hosts first responder trainings, and conducts underwater clean-ups around piers). Additional conservation measures for sea turtles could include the use of wildlife friendly lighting if lights are required for docks. Lighting could be required for boater safety. The lighting would be wildlife friendly, consisting of solar LED lights. Adverse impact reduction strategies will include the following:
• Measures for Reducing Entrapment Risk to Protected Species (May 22, 2012);
• Bubble Curtain Specifications for Pile Driving

Manatees. To avoid and minimize impacts the best management practices identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions and the Standard Manatee Conditions for In-Water Work (USFWS 2011) will be implemented and adhered to during periods of in-water work. As noted in these documents, these conditions require stopping operation of any equipment if manatees come within 50 feet of the equipment until the animals leave the project area of their own volition. Pending final design and consultations, marine mammal conservation measures could include posting of educational signage detailing what to do if marine mammals are spotted in the vicinity, or what to do in the event that there is an incidental hooking.

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

There is no designated critical habitat in the action area.

H. Effect Determination Requested

From the sections above, there should be enough detailed information to provide clear and obvious support for your determinations in the section below. If the rationale for the determination is not clear, additional information must be added to one of the sections. Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT	LOCATION (for sea turtles and gulf sturgeon only)	DETERMINATION (see definitions below)
Gulf sturgeon	Marine	May Affect, Not Likely to Adversely Affect
West Indian manatee	Select One	May Affect, Not Likely to Adversely Affect
Loggerhead sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Hawksbill sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Kemp's ridley sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Green sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Leatherback sea turtle	Marine	May Affect, Not Likely to Adversely Affect
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is "Concurrence." This conclusion is appropriate when effects to the species or critical habitat will be beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is "Formal Consultation". Response requested for proposed and candidate species is "Conference." This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination should be "is likely to adversely affect." Such a determination requires formal section 7 consultation and will require additional information.

JP = likely to jeopardize proposed species/adversely modify proposed critical habitat. For proposed species and proposed critical habitats, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the proposed species or adversely modify an area proposed for designation as critical habitat. If you reach this conclusion, a section 7 conference is required.

JC = likely to jeopardize candidate species. For candidate species, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the candidate species. If this conclusion is reached, intra-Service section 7 conference is required.

Critical Habitat = No destruction or adverse modification. This determination is appropriate when the proposed action will have no direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.

I. Bald Eagles

Are bald eagles present in the action area? ☑ NO ☐ YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☐ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: **permitsR2MB@fws.gov**
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: **permitsR4MB@fws.gov**

J. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

I.

Species/Species Group	Behavior	Species/Habitat Impacts and Conservation Measures to Minimize Impacts
Wading Birds (e.g., herons and egrets)	Wading Birds- breeding, foraging, wintering, roosting	Wading birds primarily forage and feed at the water's edge in fresh, brackish and saltwater marshes and tidal flats, thus they could be at the site. Noise and disturbance may cause birds to avoid the action area during construction. They would be expected to move to another nearby location to continue foraging, feeding and resting. These birds primarily nest and roost in isolated trees, shrubs (e.g., pines, mangroves), dunes or islands. There are a few trees and shoreline vegetation at the water's edge, where wading birds could be located. There is minimal to no tree removal expected from the site improvements and there are no known rookeries on site, so no impacts to nesting and roosting are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances would be localized and temporary. Roosting would not be affected because the proposed project would occur during daylight hours only. No take of wading birds is anticipated.
Shorebirds (e.g., terns, plovers, and skimmers)	Shorebirds- breeding, foraging, wintering, roosting	Shorebirds could occasionally forage, feed, rest, and roost in the project area. As such, they may be impacted locally and temporarily by the proposed project. It is expected that they would be able to move to another nearby location to continue foraging, feeding and resting. These birds primarily nest and roost in the dunes and sand beaches. The action area does not include dune habitat, and the beach habitat is unsuitable for shorebird nesting. There are no known shorebird nests on site. The proposed project component would not affect roosting at this site because construction activities would occur during daylight hours only. No impacts to nesting and roosting shorebirds are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances would be localized and temporary. Therefore, no take of shorebirds is anticipated.

Migratory Birds

Continuation page if needed.

II.

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS
Raptors (e.g., hawks and kites)	Raptors- breeding, foraging, wintering, roosting	Raptors could forage and rest in the action area. As such, they may be impacted locally and temporarily by the proposed project. It is expected that they would be able to move to another nearby location to continue foraging and resting. These birds primarily nest and roost in trees. There are no known raptor nests on site. The proposed project would not affect roosting at this site because construction activities would occur during daylight hours only. There is minimal to no tree removal expected from the site improvements and there are no known nests on site. If work must be done when raptors are nesting, nest surveys will be completed prior to tree/shrub removal and any trees/shrubs with nests will be flagged and avoided. Therefore, no impacts to nesting and roosting are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances will be localized and temporary. Therefore, no take of raptors is anticipated.
Songbirds (e.g., sparrows, warblers, and woodpeckers)	Songbirds- breeding, foraging, wintering, roosting	Songbirds could forage, rest, and nest in the action area. Songbirds would be able to avoid the construction area and move to another nearby location to continue foraging and resting. Construction would occur only during daylight hours. If work must be done when songbirds are nesting, nest surveys will be completed prior to tree/shrub removal and any trees/shrubs with active nests will be flagged and avoided. For these reasons, no take of songbirds or their nests is anticipated.
	General impact reduction methods for all birds.	To the extent possible, construction activities will avoid specific habitat locations onsite if there are known nesting birds and avoid nesting seasons. Pre-construction nesting surveys for migratory birds and raptors will be conducted and if evidence of nesting is found, the Trustees will coordinate with the USFWS to develop and implement appropriate conservation measures. At a minimum, trees/shrubs with active nests will be flagged and avoided. To avoid or minimize impacts to migratory birds from increased human activity, trails will divert and concentrate recreational users away from any important nesting, foraging, or rookery locations including shorelines where shoreline restoration will occur and minimal removal of trees. This project proposes minimal habitat fragmentation by improvements on existing areas of disturbance. Additionally, signage will be installed along trails, boardwalks, and picnic locations to provide users information on sensitive species in the area and actions to take to avoid or minimize impacts to sensitive species. Foraging and resting birds may temporarily be displaced during construction or recreation activities. Bird roosting will not be affected because construction activities and most human use will occur during daylight hours.

Pre-existing NEPA Documents

Yes ✓ No

Does this project have any pre-existing, site specific NEPA analysis? If YES, then provide final NEPA analysis, if not final then provide draft. If tiered from a programmatic EIS or EA, then provide the programmatic document or a link below.

Tiered from the Deepwater Horizon NRDA Early Restoration Phase III Early Restoration Plan/Programmatic Environmental Impact Statement. http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii/

NMFS ESA §7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Laurel.Jennings@noaa.gov**. Questions about consultation status may be directed to the same email address or by phone, 206-526-4601 or 206-794-4761 (cell).

FWS ESA § 7 Consultation

We request that all consultation requests/packages to FWS be submitted electronically to: **Ashley_Mills@fws.gov**. You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation. If you have questions about consultation status, please contact Ashley Mills by phone 812-756-2712 or email Ashley_Mills@fws.gov.

Name of Person Completing this Form:	Heather Ballestero, Industrial Economics, Inc.
Name of Project Lead:	
Date Form Completed:	12/18/2015
Date Form Updated:	12/23/15

Figure 1: Innerarity Point Park Parcel Location

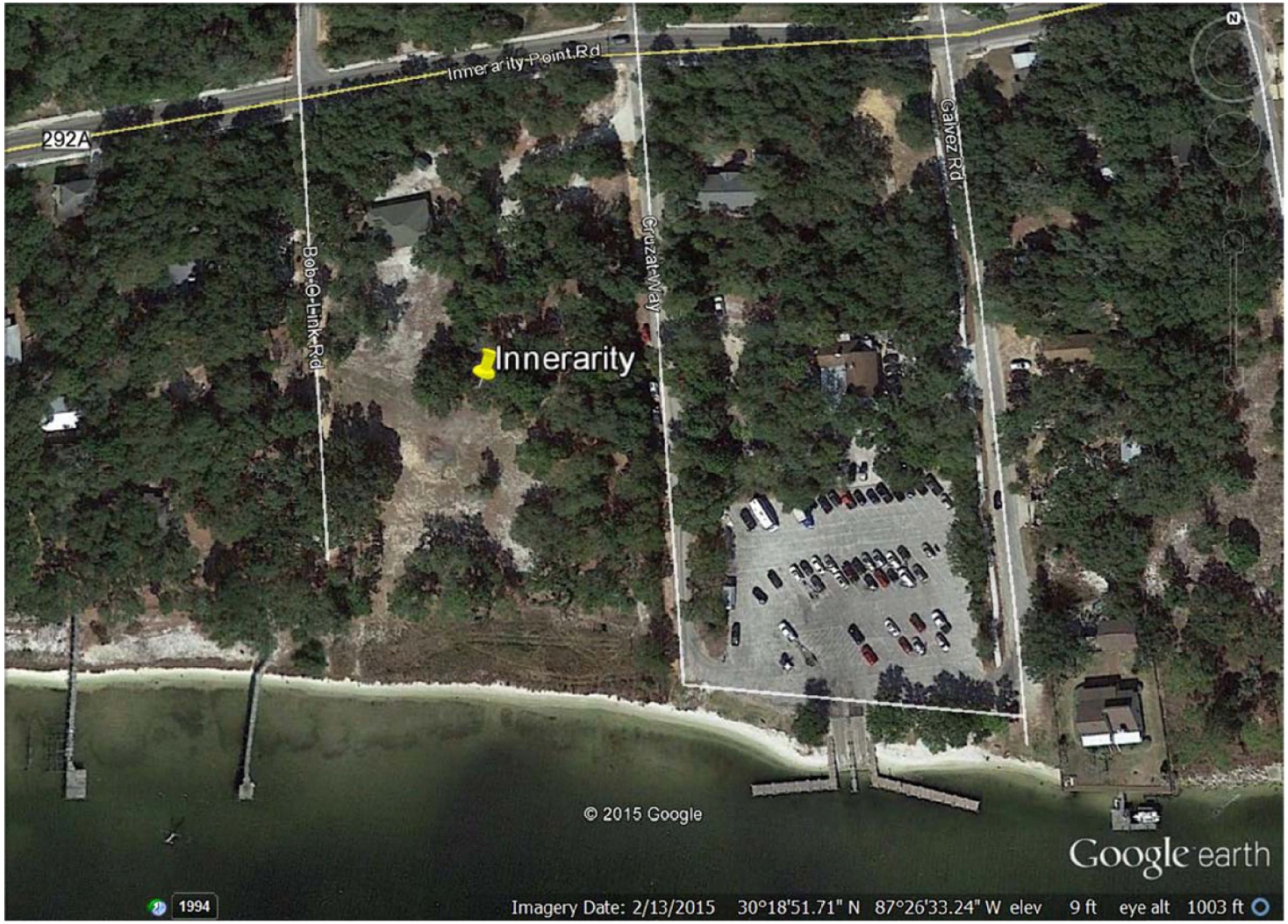

Figure 2: The Proposed Innerarity Point Park- Location 2015 imagery- 30°18'52.36"N 87°26'34.97"W

Figure 3: The Proposed Innerarity Point Park- Location 2012 imagery- 30°18'52.36"N 87°26'34.97"W

Figure 4: Innerarity Point Park- shoreline looking west

Figure 5: Innerarity Point Park- shoreline looking east towards Galvez Landing boat ramp

Figure 6: Innerarity Point Park- existing view towards waterway looking south

Figure 7: Innerarity Point Park- existing view towards waterway

Figure 8: Innerarity Point Park- existing view looking east on trees that will be preserved

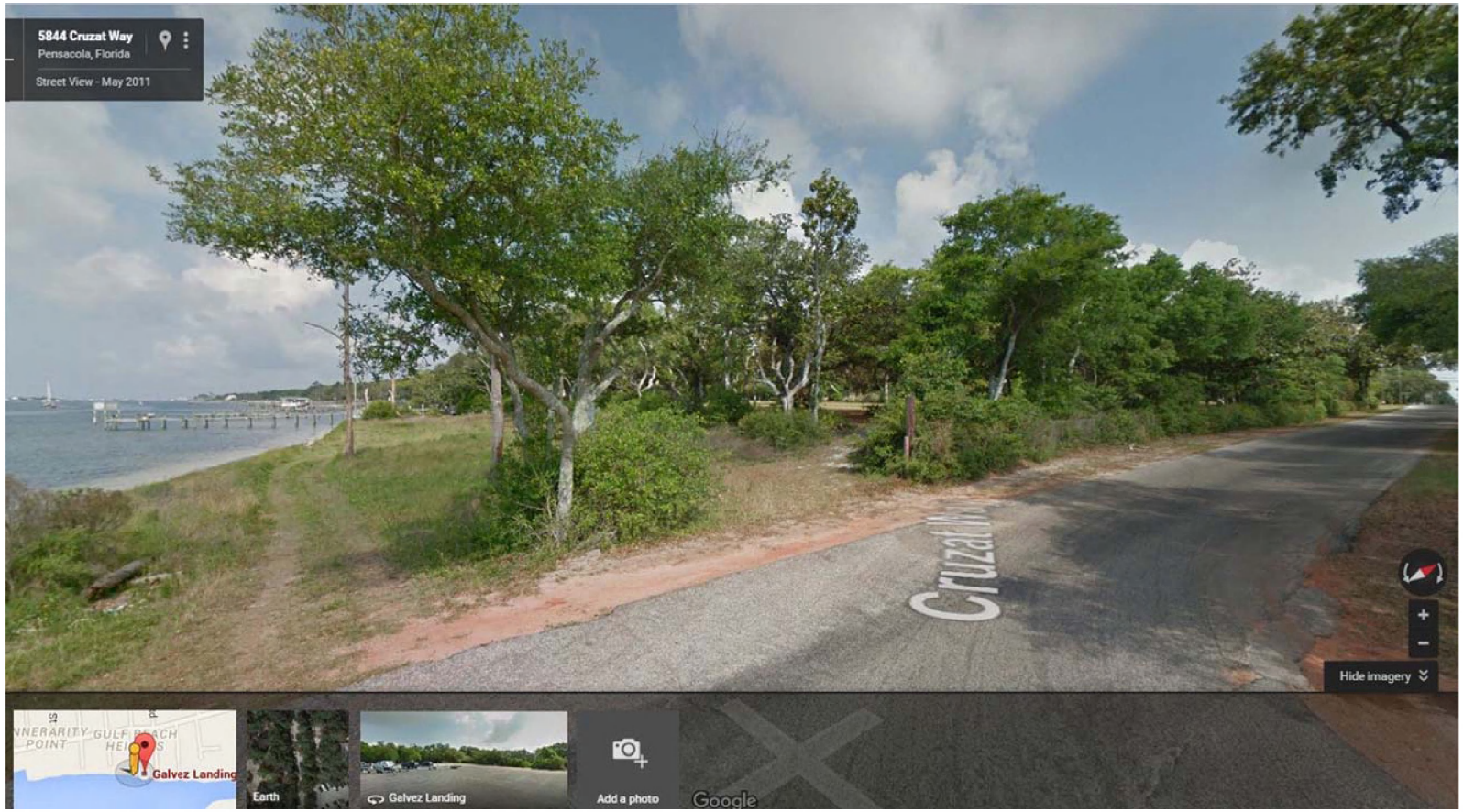

Figure 9: Innerarity Point Park- Google Street View from Galvez Landing Boat Ramp towards property.

Figure 10: Innerarity Point Park Proposed Conceptual Master Plan

Biological Evaluation for Florida Coastal Access Project: Innerarity Point Park
Attachment B: Project Description.

The proposed Innerarity Point Park site lies within Escambia County adjacent to the heavily-used Galvez Landing boat ramp (which was improved as part of Phase I Early Restoration (see Section 4.7 of the Phase I Early Restoration Plan and Environmental Assessment (Phase I ERP/EA)). The 3.38 acre site is currently zoned as Mixed-Use Suburban District which permits recreational facilities. The property includes 265 linear feet of frontage along the Old River, a heavily used waterway which flows between Innerarity Point and Perdido Key out to Perdido Bay (see Attachment A Figures 1 and 2 for general location). An unoccupied single family house (constructed in 2004) and gravel driveway occupies the northern portion of the property. A second residential structure previously existed at the southern portion of the property overlooking the Old River waterway. Although the second residential structure no longer exists, the concrete foundation remains. The remainder of the property is unimproved and consists of lawn area with mature live oaks (see Figures 6-8), and coastal vegetation along the shoreline (see Attachment A Figures 6, 7, and 9 for photographs of shoreline). As shown, much of the shoreline as well as inland vegetation is currently being maintained by mowing.

The proposed park would be a daytime use park (i.e., sunrise to sunset). Specific elements of the proposed Innerarity Point Park conceptual site plan (Attachment A Figure 10) include the following:

1. **New Dock with Kayak Launch.** The proposed project includes a pier and boardwalk (442 feet by 5 feet, approximately 2,210 square feet), and dock platforms (790 square feet) for paddle craft water access. The entire dock including the platforms for paddle craft would cover an area of approximately 3,000 square feet (2,210 + 790). Pier construction would include placement of new piles (two approximately 8" pilings for every 10 feet of dock) using the least invasive techniques given substrate and construction cost considerations (e.g., jetting, pushing, or driving the piles).The main branch of this pier would extend from the shore, near the center of the parcel where this is a break in the submerged aquatic vegetation (SAV) along the shoreline, and be oriented approximately north to south. A perpendicular section of pier is proposed at the end of the main branch. This perpendicular dock would be oriented approximately east to west and would be built out past the SAV so to avoid impacts to SAV. If necessary, the design of the dock would incorporate the use of composite grated materials that would allow light through to avoid shading impacts to surrounding SAV.
2. **Expanded Beach Area.** The beach area would be expanded by removing a portion (approximately 3,500 square feet) of the vegetation landward of the shoreline, which is a mixture of native and invasive vegetation including *Spartina* and morning glory, some of which is currently being regularly mowed. All proposed beach expansion efforts would take place on land above the mean high water line.
3. **Beach Access for Paddle Craft.** The boardwalk would include access directly to the beach on the western portion of the property. A small area of vegetation (likely a combination of some native and some invasive species) may need to be removed to provide this access.
4. **Shoreline Restoration.** Currently a mixture of native and invasive species exists along the shoreline. An area (approximately 2,500 square feet) on the landward side of the beach would undergo invasive species removal and subsequent planting with native shoreline vegetation.
5. **Accessible Boardwalk with Steps and Ramps.** The wood pier and boardwalk would have Americans with Disabilities Act (ADA) accessible wood boardwalk connections that are five feet wide, 220 feet long with handrails.

6. **Overlook Deck with Central Bench Seating**. A wood overlook deck would be constructed approximately 1,500 square feet in size and would include interior bench seating. This structure would be constructed at the southern portion of the property landward of the beach.
7. **Treehouse Overlook.** A two-story wildlife viewing platform approximately 400 square feet would be constructed at the southwest corner of the property.
8. **Arbor Swings**. Two 20-square foot wooden arbors with bench swings would be placed on a small wood platform adjacent to the overlook deck.
9. **Six Small Open-Air Picnic Pavilions**. Six small (200 square feet) open air wooden picnic pavilions with grills and picnic tables would be constructed throughout the property. These structures would consist of basic wood frames built on concrete slabs and would provide shade.
10. **Open lawn area.** An open lawn area (grass) would be maintained on the property as a picnic space. This area (approximately 0.2 acres) would require periodic, seasonally-dependent irrigation. Because the site is small and already connected to public water, the open lawn area would likely be maintained by using sprinkler system with a timer. Minimal additional maintenance would be done for this area, which is already an open area on the current parcel.
11. **Playground for ages 5-12.** The playground would be installed which would be approximately 300 square feet. Generally, structural features would be comprised of natural (i.e., wood) materials and/or durable composite materials. An informational sign (content based on input from the County) would also be constructed at the playground.
12. **Large Shade Seating Structure.** One large (900 square feet) shade seating structure with picnic tables would be placed between the two playgrounds. This would be constructed of simple wood frame on a concrete slab.
13. **Playground for ages 2-5.** The playground would be installed which would be approximately 300 square feet. Generally, structural features would be comprised of natural (i.e., wood) materials and/or durable composite materials. An informational sign (content based on input from the County) would also be constructed at the playground.
14. **Restrooms.** One ADA accessible restroom facility with flush toilets, sinks, and rinse showers (600 square feet) would be constructed and connected to municipal sewer and water.
15. **Large Picnic and Gathering Pavilion.** One larger (900 square feet) open air picnic pavilion with grills and picnic tables would be constructed on the property. Like the other pavilions, it would be a simple wood frame construction over a concrete slab.
16. **Main Pedestrian Entry with Sign.** At the main park entrance from the parking lot there would be a sign with the park name.
17. **Split-Rail Fence**. A 640-foot split-rail cedar fence would be constructed at the park entrance near the parking lot.
18. **Pedestrian Access to Cruzat Way (Landing and Restaurant).** Pedestrian access to the adjacent Galvez Landing Boat ramp would be provided through an opening in a proposed 800 foot long, six foot tall black vinyl coated chain link fence. This fence would replace and extend the currently existing fence to guide foot traffic onto boardwalks and minimize impact on beach grasses.
19. **Stormwater Pond (as-needed) with Footbridge Crossing**. Stormwater ponds and landscape drainage areas would be implemented in the center of the parking area pending engineering designs and calculations of stormwater runoff. If a stormwater pond is constructed, a raised 32 foot long ADA accessible boardwalk would also be constructed at the pond crossing in the parking area.
20. **Pedestrian Access to Existing Sidewalk.** A short walkway from the site parking lot to the public sidewalk at the north edge of the property would be constructed.

Additional site elements not explicitly labeled in the conceptual master plan include:

- **Parking.** An ADA accessible parking lot would be constructed of pervious pavement for 50+ visitors covering 22,500 square feet.
- **Concrete sidewalks.** ADA accessible concrete sidewalks between picnic area and viewing area features in the central property areas (five feet wide and four inches deep, covering a total area of approximately 9,050 square feet) would be constructed.
- **General site furnishings.** Furnishings would be placed throughout the park including 12 trash receptacles, eight picnic benches along the outer sidewalk and deck overlook, and a total of 22 picnic tables.
- **Site lighting.** Lighting would include ten pole lights at the parking area and three accent lights at the park entry signs (low-voltage). All lighting would be low-glare, wildlife friendly, and comply with the guidance provided in the current edition of the FWC's Wildlife Lighting Criteria.
- **Off-site Road Improvement.** The public Bob O Link Road located adjacent to and directly west of the proposed project site is currently gravel. A small section of the road between Innerarity Point Road to the park entrance, a length of approximately 90 feet and width of approximately 30 feet, would be paved. A sign would be placed at the vehicular entrance to the park. Escambia County would maintain the paved portion of the road.
- **Signs.** In addition to the aforementioned signs, two additional signs would be placed at the property corners visible from Innerarity Point road, with small directed lighting. All lighting would be low-glare, wildlife friendly, and comply with the guidance provided in the current edition of the FWC's Wildlife Lighting Criteria.
- **Landscaping.** General landscape development would include existing tree protection and fencing, hardwood tree maintenance, fine grading and bed preparation for all sodded and seeded areas, soil amendments (excluding naturalized areas), planting of large and small trees, shrubs, grasses, groundcovers, sod and mulching. To the extent possible landscaping would prioritize native plantings, and low-maintenance, drought-resistant plants to reduce long-term maintenance.
- **Additional site work.** Removal of any currently existing site structures including the house and concrete slabs. The house would be demolished, any salvageable materials would be re-used, and other materials would be shipped to a landfill. Other site work would include modifying existing electric service, linking to the municipal sewer system, fire hydrant assembly and accompanying water main work, site grading (as-needed), and erosion control efforts during construction.

Final engineering and design plans for the proposed site improvements would be completed following further environmental resource surveys and consultations with state and federal agencies; proposed site improvements may be modified to avoid and/or minimize potential impacts to natural resources. Installation of the proposed site improvements is estimated to take 9-12 months. Staging of equipment and materials would likely be located on the property where parking lots would be constructed (according to the conceptual plan), or on previously disturbed areas of the site. Construction equipment would include a combination of hand-held or power tools for carpentry work as well as heavier construction equipment such as bulldozers, barges, trucks, backhoes, tractor trailers, cranes, small excavators, fork lifts, asphalt machine, roller, or generators. Construction would require the transport of materials to the project site. The number of trips required to transfer materials would be based on the amount and type of materials needed for site improvements. These details would be determined as part of the final construction design and plan.